

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
MAY 17 2019
Clerk, U.S. Courts
District Of Montana
Missoula Division

GREGORY L. WALLACE,

Plaintiff,

vs.

BENJAMIN BOULEY, ROBERT
SPOJA, SILVER BOW COUNTY
ATTORNEY SHEA, and MONTANA
STATE PRISON INFIRMARY,

Defendants.

CV 19-07-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations on March 4, 2019, recommending that Plaintiff's Motion to Proceed in Forma Pauperis (Doc. 3) be denied. (Doc. 5 at 4.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 5) are ADOPTED IN FULL and Plaintiff's Motion (Doc. 3) is DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this case after 21 days if Plaintiff has failed to pay the \$400.00 filing fee.

DATED this 17th day of May, 2019.


Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court